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LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 30, 2011

SUBJECT: Proposed amendments to the City's Comprehensive Plan based on the Objections, Recommendations and Comments Report submitted by the Florida Department of Community Affairs

Chapter 163.3191, F.S., requires that local governments adopt an Evaluation and Appraisal Report (EAR) once every 7 years assessing the progress in implementing the local government's comprehensive plan (Plan). The latest EAR was done during the period of 2005-2007 and adopted by the City Commission on September 26, 2007. The EAR included a number of recommendations, which gave the City the opportunity to revise the Plan to address changing issues and conditions. Although there are other opportunities to periodically revise the Plan, these revisions often occur as the result of outside development applications.

The proposed EAR-based amendments encompass all the Elements of the Comprehensive Plan except the Public School Facilities Element for which amendments were not necessary. These amendments are based on the evaluation of existing policies as recommended in the EAR, including a new Transportation Element which replaced the Traffic Circulation, Mass Transit and Ports and Aviation Facilities Elements.

At the September 15, 2010 meeting, the City Commission directed the administration to transmit the proposed Comprehensive Plan amendments to the Department of Community Affairs (DCA) and other required reviewing agencies. DCA completed its review of the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes and issued its Objections, Recommendations and Comments Report (ORC) outlining its findings, which is dated November 19, 2010 and is attached. The response to the ORC and how the proposed EAR-based amendments have been modified in response to the report are included in the amendment package. A summary of the response is attached to facilitate the review.

Some highlights of the Objections in the ORC Report are as follows:

- The proposed policies in the EAR-based amendments did not fulfill the City's responsibility as an Energy Economic Zone (EEZ) Pilot Program community. To this end Policy 3.4 of the Transportation Plan was amended to include the different initiatives that would integrate multimodal transportation facilities.
- Some of the policies being amended included permissive words such as "encourage" and "promote" and did not include measurable, intermediate end results to be achieved. The policies affected were corrected to include mandatory language such as "shall" and

in the case of Policy 8.2 of the Housing Element, initiatives found in the City's "Green Building Ordinance such as priority review and inspections of "green" projects, and refunds of application and review fees within the limits of funds appropriated annually by the City Commission

- Inclusion of concurrency related facilities, including the timing requirements established by Statute and Rule in Land Use Element Policy 6.2
- Correction of the definition of Coastal High Hazard Area (CHHA) based on the definition pursuant to Section 163.3178(2)(h) and inclusion of the new CHHA Category 1 Evacuation Zone. This new map was prepared by the South Florida Regional Planning Council based on the Statewide Regional Evacuation Plan, released in December 2010.
- Clarification of undefined or ambiguous terms, inclusion of dates defining deadlines, such as "by 2012" or similar.
- Identify the City as an Energy Economic Zone the Future Land Use Map of the City's Comprehensive Plan; revise the Future Land Use Element to include policy consistent with the City's application; and include the Sustainability Plan in the Data and Analysis portion of the plan.

Throughout the process of addressing the Objections in the ORC Report, Planning Department staff has been in contact with DCA staff to ensure that as amended, the Plan will be in compliance with Statutes and Rules, and a Notice of Intent (NOI) will be issued, finding the Plan in compliance.

It should also be noted that the City's Water Supply Plan, adopted by the City Commission on October 27, 2010, Ordinance No. 2010-3704, has been found in compliance as of December 15, 2010. All the proposed amendments proposed as part of the Water Supply Plan are now part of the City's Comprehensive Plan and therefore are no longer shown underlined.

It is currently anticipated that the proposed amendments will be scheduled for a second reading public hearing at the April 13, 2011 City Commission meeting; however, due to the voluminous nature of these documents, a CD containing the complete documents is included. However, hard copies of these documents are available to you upon request.

Further, the Administration believes that this Letter to Commission will provide more time to review the documents and become more familiar with the proposal. Nonetheless, the Administration suggests and invites each of you to meet with Planning Department staff for a briefing to answer any question or concern you may have. If you desire a briefing, please contact Naima de Pinedo, assistant to Jorge G. Gomez, Assistant City Manager, at extension 6257, and she will coordinate a briefing with Planning Department staff.


JMG/JGG/RL/ML

attachments

cc: Jorge G. Gomez, AICP, Assistant City Manager
Richard Lorber, AICP, Acting Planning Director
Gary M. Held, First Assistant City Attorney
Mercy Lamazares, AICP, Principal Planner

**RESPONSES TO THE DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS AND COMMENTS REPORT (ORC)
DATED NOVEMBER 19, 2010**

The objections by DCA are listed in **bold letters**

The existing language in the submitted proposed EAR amendments detailing each policy that is affected by the ORC is underlined.

The *italic* type and double underline is the proposed new language that responds to each policy affected by the ORC.

Objection 1 (Future Land use Element and Map) The FLUM in appendix A of the EAR based amendments does not identify the long-term planning period that it represents.

Recommendation: The City should add the date of the long term planning horizon to its FLUM. *The long term planning horizon to the FLUM is 2025. This notation has been added to the map.*

Objection 2 (Greenhouse Gases) – The City proposes Transportation Policy 3.4, Housing Objective 8, and Housing Policies 8.1 to 8.6 as objectives and policies pertaining to green house gas emissions. Of the 8 referenced objectives and policies, 7 utilize permissive words such as “encourage”, “promote”, “collaborate”, or to the extent funds allow”. The following objections pertain to greenhouse gases:

- a. **Lack of specific, Measurable End Result** – The objectives listed above do not include the specific, measurable, intermediate end result to be achieved for energy efficiency and the policies listed above do not include meaningful and predictable standards for achieving the objectives. Regarding Transportation Policy 3.4, it is not clear what the policy means, what a “commercial roadway project” is, and how this policy will be implemented.
- b. **Energy Economic Zone (EEZ) Pilot Program** – The proposed policies do not fulfill the City’s responsibility as an EEZ Pilot Program community to do the following:
 - a) develop a model to help communities cultivate green economic development;
 - b) encourage renewal electric energy generation;
 - c) manufacture products that contribute to energy conservation and green jobs; and
 - d) further implement Chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies .

Recommendations: The recommendation is summarized by each component of the objection as follows:

- a. **Lack of specific, measurable end result** – The city should revise the objectives to include a specific, measurable outcome the City intends to achieve. Revise the policies to include meaningful and predictable guidelines and standards that will be applied to development to achieve the objectives. The policies should identify the guidelines and

standards the City can apply right away and include specific actions for implementing additional energy conservation measures that will take longer to implement.

- b. **EEZ Pilot Program** – The city should incorporate all activities as outlined in the City's application and Sustainability Plan which are intended to reduce greenhouse gas emissions and vehicle miles traveled. *The EEZ for the City of Miami Beach was approved as a redevelopment model to promote among other things, green jobs in the community. As a series of islands surrounded by water (Biscayne Bay and the Atlantic Ocean) there is no available land to annex and thus, suburban sprawl will not be an issue. The City of Miami Beach is a built-out community with very efficient land use patterns that promote mixed uses (commercial and residential) in its land use categories except in the single family and the low intensity multifamily districts.*

(Policy 3.4: Sustainable Development (please see Glossary of terms))

The City shall plan, design and construct roadway projects and provide approval for commercial roadway projects that minimize consumption of non-renewable resources, limit consumption of renewable resources to sustainable yield levels, reuse and recycle its components, and minimize the use of land and production of noise. To this end, the City shall integrate multimodal transportation facilities to reduce reliance on automobiles through initiatives such as:

- **Expansion of the South Beach Local Circulator**, including route changes to incorporate Belle Island and the Cultural Campus, which will further integrate multimodal transportation facilities with various neighborhoods and provide linkages to commercial centers, recreational amenities and cultural assets
- **A North Beach Circulator** by continuing to work with Miami-Dade Transit to finalize the implementation of this service
- **Expansion of the Atlantic Greenway Network** by continued negotiation with property owners along the Atlantic Ocean and along Biscayne Bay.
- **Bicycle rack installations** to provide safe and secure bicycle parking for bicyclists in Miami Beach. By the end of 2015 it is estimated that approximately 500 bicycle racks will be installed in safe, convenient location along commercial corridors, residential areas and public facilities. Bicycling as an alternative form of transportation will increase the quality of life for our community by reducing traffic congestion.
- **Bicycle rental program** – The City already started this program with a proposal to install 85 kiosks of approximately 16 bikes per kiosks. The benefits of this program include reduced traffic congestion, improved air quality, quieter and more livable streets and the opportunity for citizens to improve their health through exercise.
- **Shared car program** will allow for the short term access to vehicles by residents and visitors reducing the need for vehicle ownership and encouraging the use of alternative modes of transportation.

OBJECTIVE 8: ENERGY EFFICIENCY AND RENEWABLE RESOURCES

The City will shall promote energy efficiency and use of renewable energy resources in the design and construction or the rehabilitation of housing and other measures to promote energy efficiency in existing residential properties.

Policy 8.1

The City will shall rely upon, and ensure consistency with, the provisions of Chapter 553, Florida Statutes, when implementing policies to promote energy efficiency and use of renewable energy resources under this objective.

Policy 8.2

The City will shall provide financial incentives, ~~to the extent funds allow, as well as other incentives such as expedited permitting and building inspections, to "green" housing development projects under the terms set forth under its Green Building Ordinance, such as, but not limited to:~~

- a. Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the city's departments reviewing such applications;
- b. All building inspections requested for green building projects shall be given priority over projects that are not green building projects; and
- c. Subject to, and within the limits of, funds appropriated annually by resolution of the city commission for the purposes set forth herein, owners or developers of green buildings shall receive a refund of the actual application and review fees for green building program certification and an amount not greater than one percent of the value of the construction, or alternatively 20 percent of the annual allocation, whichever is less, within 180 days of proof of certification by USGBC being submitted in writing to the city. The actual amount of financial incentives to which the applicant might qualify for shall be estimated at the time of issuance of the building permit for the quality project, and held in reserve. The final financial incentives shall be calculated at the time of LEED certification.

Policy 8.3

The City will shall collaborate with local builders and community development corporations to determine ways builders may incorporate "Sustainable Building" technologies in the construction of housing, through the following means:

- a. Water (e.g., indoor water conservation, low-flow/low-flush fixtures, pervious materials, xeriscaping, reclaimed water irrigation, harvested rainwater, water budget).
- b. Energy (e.g. Energy Star ratings, traditional, local vernacular techniques of climate sensitive design, passive solar design, landscaping for energy conservation, site development) and unit orientation (e.g. north/south rather than east/west windows) that takes advantage of the natural shade and lighting available, radiant barrier and ridge venting, solar heating and cooling systems, gas heating/cooling systems and appliances, photovoltaic systems, ductwork, fans, energy recovery ventilators programmable thermostats, energy efficient appliances.
- c. Building materials (e.g., dimensional lumber, wood treatment, engineered

structural materials, engineered siding and trim, non-toxic termite control, floor coverings, wood flooring, roofing structural wall panels, insulation, windows and doors, cabinets, finishes and adhesives).

- d. Solid Waste Management (e.g., home recycling, construction waste recycling).

Policy 8.4

The City will *shall* promote energy conservation techniques that incorporate Federal Energy Star standards as consistent with the requirements of the state energy code. Periodic reviews of development regulations and building codes will *shall* be conducted to determine if there are modifications needed to incorporate energy conservation measures in addition to the requirements of the state energy code.

Policy 8.5

The City will *shall* provide developers/ builders with information on how to incorporate Federal Energy Star Standards, state energy code and other energy efficiency measures into construction.

Policy 8.6

The City will *shall* encourage the construction of energy efficient and water conserving housing through public education programs and regulations that promote innovative and environmentally sensitive building technologies.

Objection 3 (Capital Facilities) – Land Use Policy 6.2 does not list all concurrency related facilities, such as water supplies and schools. Also, the policy is not consistent with the varied concurrency timing requirements by type of infrastructure established in Section 163.3180(2)(a-c), F.S.

Recommendation: The City should amend Land Use Policy 6.2 so that it lists all concurrency related facilities and reflects the appropriate concurrency timing requirements established by the cited Statute and rule.

Policy 5.2 6.2

~~Land Development Regulations pertaining to concurrency management shall be amended to reflect Ch. 9J-5.0055 FAC and this policy. No development permit shall be issued unless the public facilities necessitated by the project (in order to meet level of service standards specified in the Policies of the Traffic Circulation, Transportation, Recreation, Public Schools and Infrastructure Elements, and the Water Supply Plan Policies) will be in place concurrent with the impacts of the development or the permit is conditional to assure that they will be in place, but no later than the issuance of a certificate of occupancy or its functional equivalent. The requirement that no development permit shall be issued unless public facilities necessitated by the project are in place concurrent with the impacts of development shall be effective immediately. and shall be interpreted pursuant to the following:~~

Acceptable Level of Service Standards for public facilities in the City of Miami Beach are:

- a. Recreation and Open Space – The National Recreation and Park Association's suggested minimum requirement for recreation and open space ten (10) acres of recreation and open space per one thousand (1,000) permanent and seasonal residents is established as the minimum Level of Service Standard for the entire system.
- b. Potable Water Transmission Capacity
 - 140 Average gallons per capita per day;
 - 168 Peak gallons per capita per day
 - non-residential uses:
 - Hotel: 75 gallons per day per room
 - Office: 0.084 gallons per day per square foot
 - Retail: 0.18 gallons per day per square foot
 - Industrial: 0.084 gallons per day per square foot
 - Restaurant: 65 gallons per day per seat
 - School: 12 gallons per day per student
- c. Sanitary Sewer Transmission Capacity – 140 Average gallons per capita per day
- d. Storm Sewer Capacity – One-in-five-year storm event.
- e. Solid Waste Collection Capacity – 1.275 tons per capita per year
- f. Transportation Level of Service:
 - Local roads – LOS Standard D
 - Collector roads – LOS Standard D
 - Arterial roads - LOS Standard D
 - Limited access roads - LOS Standard D
- g. Miami-Dade Public Schools - Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

1. Measuring Conformance with the Level-of-Service

Public facility capacity availability shall be determined by the Concurrency Management User's Procedural Guide (a supplement to the land development code), which contains the formulas for calculating compliance. a set of formulas that reflect the following:

Adding together:

- ◇ The total design capacity of existing facilities; plus
- ◇ The total design capacity of any new facilities that will become available concurrent with the impact of the development. The capacity of new facilities may be counted only if one or more of the following can be demonstrated:
 - (A) For water, sewer, solid waste and drainage:
 - (1) Prior to approval of a building permit or its functional equivalent, the City shall consult with the applicable water supplier to

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determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.

- (2) The necessary facilities are in place and available at the time a certificate of occupancy is issued, or
- (3) ~~Such approval is issued subject to the condition that the necessary facilities will be in place and available when the impacts of development occur,~~
- (43) The new facilities are guaranteed in an enforceable development agreement to be in place when the impacts of development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes (the Development of Regional Impact authorization).

In the case of water, sewers, solid waste and recreation, the formulas must reflect the latest population vis a vis flows or park acreage.

Design capacity shall be determined as follows:

Sewage: the capacity of the County sewage treatment system.

Water: the capacity of the County water treatment and storage system.

Solid waste: the capacity of the County disposal system.

Drainage: The on-site detention capability and/or storm sewer capacity.

(B) For recreation:

- (1) Parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance of a certificate of occupancy or its functional equivalent. Paragraphs (1)-(3) under (A) above except that construction may begin up to one year after issuance of a certificate of occupancy.
- (2) The new facilities are the subject of a binding executed contract for the construction of facilities to be completed within one year of the time the certificate of occupancy is issued, or
- (3) A development agreement as outlined in (A)-(4 3) above but requiring construction to begin within one year of certificate of occupancy issuance.

Recreation: Measurement shall be based on recreation data in the Comprehensive Plan plus the latest City population estimate with

any necessary interpretation provided by the City manager or designee thereof.

(C) For traffic:

- (1) ~~Paragraphs (A)(1) through (3) or (B)(2) above except that construction can begin up to three years after the approval date. Transportation facilities needed to serve new development are scheduled to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government five-year schedule of capital improvements.~~
- (2) No modification of public facility level-of-service standards established by this plan shall be made except by a duly enacted amendment to this plan. The City shall ensure that no development approvals are issued that would result in traffic volumes surpassing the cumulative allowable areawide service volume based on the sum of the individual roadways' Level of Service Standard within the Transportation Concurrency Management Areas.

~~Subtracting from that number the sum of:~~

- ~~• Existing volumes or flows; plus~~
- ~~• "Committed" volumes or flows from approved projects that are not yet constructed; plus~~
- ~~• The demand that will be created by the proposed project, i.e. site plan, plat or other development order.~~

~~In the case of water, sewers, solid waste and recreation, the formulas must reflect the latest population vis-a-vis flows or park acreage.~~

~~Design capacity shall be determined as follows:~~

~~Sewage: the capacity of the County sewage treatment system.~~

~~Water: the capacity of the County water treatment and storage system.~~

~~Solid waste: the capacity of the County disposal system.~~

~~Drainage: The on-site detention capability and/or storm sewer capacity.~~

- (3) Roadways: The standard for measuring highway capacities shall be the Florida DOT Table of Generalized Two-Way Peak Hour Volumes for Urbanized Areas or other techniques that are

compatible to the maximum extent feasible with FDOT standards and guidelines. The measurement of capacity may also be determined by engineering studies provided that analysis techniques are technically sound and acceptable to the City. The City shall ensure that no development approvals are issued that would result in traffic volumes surpassing the cumulative allowable areawide service volume based on the sum of the individual roadways' Level of Service Standard within the Transportation Concurrency Management Areas.

~~Recreation: Measurement shall be based on recreation data in the Comprehensive Plan plus the latest City population estimate with any necessary interpretation provided by the City manager or designee thereof.~~

~~Transit: the county Transit Agency bus schedules for routes within the City.~~

2. Concurrency Monitoring System

The manager or designee thereof shall be responsible for monitoring facility capacities and development activity to ensure that the concurrency management system data base is kept current, i.e., includes all existing and committed development. This data base shall be used to systematically update the formulas used to assess projects. An annual report shall be prepared.

3. Capacity Reservation

Any development permit application which includes a specific plan for development, including densities and intensities, shall require a concurrency review. Compliance will be finally calculated and capacity reserved at time of final action of an approved final Design Review approval or building permit if no Design Review is required or enforceable developers agreement. Phasing of development is authorized in accordance with Rule 9J-5.0055. Applications for development permits shall be chronologically logged upon approval to determine rights to available capacity. A capacity reservation shall be valid for a time to be specified in the land development code; if construction is not initiated during this period, the reservation shall be terminated.

4. Administration

The City manager (or designee thereof) shall be responsible for concurrency management. The land development code shall specify administrative procedures, including an appeals mechanism, exemptions, plan modifications, burden of proof, etc.

5. Project Impact or Demand Measurement

The concurrency management user's procedural guide (a supplement to the land development code) will contain the formulas for calculating compliance plus tables which provide generation rates for water use, sewer use, solid waste and traffic, by land use category. Alternative methods acceptable to the Director may also be used by the applicant. For example, traffic generation may be based upon the Institute of Transportation Engineer's "Trip Generation" manual, Transportation facilities needed to

serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent.

Objection 4 (Coastal Management) – The following objections pertain to coastal management:

a. **Definition of coastal High Hazard Area (CHHA)** – Conservation Policy 4.10 is based on an incorrect definition of the CHHA. It states that “As the entire City is classified as a Coastal High Hazard Area (CHHA) which is reflective of its status as a Category 1 Evacuation Zone...” the Category 1 evacuation zone is no longer the correct definition of the CHHA, and the entire City may not be within the CHHA under the new definition,

b. **Depiction of CHHA on FLUM** – The CHHA is not depicted on the FLUM

Recommendation: The City should depict the CHHA on its FLUM (*Note: A map depicting the CHHA Cat. 1 Evacuation Zone has been included in the Map Series*) and amend Conservation Policy 4.10 based on the definition of the CHHA pursuant to Section 163.3178(9)(c), F.S. The CHHA definition is located in Section 163.3178(2)(h) F.S.

Policy 4.10

As ~~The entire~~ The LOS standards established in the Transportation Element shall be maintained in order to facilitate hurricane evacuation for those areas of the City is that are classified as a Coastal High Hazard Areas (CHHA) which is reflective of its status as a Category 1 Evacuation Zone,* According to Section 163.3178(2) (h), F.S., the coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model the LOS standards established in the Transportation Element shall be maintained in order to facilitate hurricane evacuation.

(* According to 9 J5.003, F.A.C., Hurricane Vulnerability Zones are defined as areas delineated in the regional or local evacuation plan as requiring evacuation. In Miami Dade County, the Hurricane Vulnerability Zones are considered Hurricane Evacuation Zones A and B. Following Hurricane Andrew, State law redefined the "Coastal High Hazard Area" (CHHA) from the FEMA "V" Zone to the Category 1 Hurricane evacuation zone as established in the regional hurricane evacuation plan. In Miami Dade County the CHHA consists of the barrier islands. The State also eliminated the "Coastal Hazard Area" and established the "Hurricane Vulnerability Zone" (HVZ), defined as areas delineated as Category 3 Hurricane Evacuation Areas by the regional or local evacuation plan. In addition, the Strategic Regional Policy Plan for South Florida established policies addressing hurricane Category 4 and 5 evacuation areas. Source: Miami Dade County CDMP.

Objection 5 (Meaningful and Predictable Standards) – The proposed revisions to the goals, objectives and policies result in a lack of meaningful and predictable standards for the following reasons: a) use of mandatory versus permissive text; b) use of undefined or ambiguous terms; c) defers to the Land Development Regulations; and d) lack of dates which establish deadlines. The specific GOP citations that are not meaningful and predictable are listed below. The reason for the lack of meaningful and predictable standards (a through d above) is referenced parenthetically after each citation.

Recommendation:

- a. use of Mandatory versus Permissive Text – The objective and policies should be revised to include the guidelines and standards the City will use to achieve the policy's stated purpose. Regarding Transportation Policy 6.12, it should be amended to identify the projects for which the City is financially responsible. The policy should be supported by an updated five-year schedule in the Capital Improvements Element that lists those projects.
 - b. Use of Undefined or Ambiguous Terms – The policies should be amended to include guidelines and standards which indicate how the City will achieve the policy's stated purpose. Transportation Policies 4.1 and 4.2 cite inconsistent level of service standards. The inconsistency must be resolved.
 - c. Defers to the LDRs – The policies should be amended to add measurable and predictable standards to guide development instead of deferring such details to the LDRs.
 - d. Lack of Dates Which Establish Deadlines – the policies should be revised to include the measurable and predictable standards to guide development and provide the basis for the LDRs. For those policies which extended timelines, the City should include interim measures that can be applied to development until the cited information becomes available and the policies are updated.
- a. **Land Use policy 3.1** – The policy indicates that mixed uses shall be encouraged. Furthermore, the policy indicates that LDR incentives will be provided to support mixed uses, but it fails to define what those incentives will be. (a and c)

Policy 2.4 3.1

Innovative land use development patterns, including mixed uses shall continue to be permitted and encouraged through the provision of LDR incentives floor-area ratio bonuses such as additional floor area when at least 25% of the total are of a building is residential, and/ or shared parking for mixed commercial/office/residential uses for non-residential development in areas designated as residential/commercial and mixed-use entertainment in the Future Land Use Map.

- b. **Transportation Policy 1.5** – The policy states that the City will undertake an examination of total mobility in an attempt to shift from roadway capacity and level of service to an overall mobility system capacity and level of service (d)

Policy 1.5: Multi-Modal Level of Service (please see Glossary of terms)

Roadway level of service is insufficient as a measure of multi-modal mobility in a mature city with land use intensities, mixed uses and the economic vitality such as Miami Beach. The City shall undertake an examination of total mobility by 2015 in an attempt to shift from roadway capacity and level of service to an overall mobility system capacity and level of service. This will require quantifying capacities and levels of service for the physical roadway system, the transit network, the pedestrian network and the bicycle network. The results will be used as a guide for the planning and implementation of mobility improvements.

c. **Transportation Policy 2.3** – The policy states that the City shall provide incentives and design guidelines for Transit Oriented Developments within the City. The policy defers to all detail regarding the nature of the incentives to the LDRs (c and d).

Policy 2.3: Transit Oriented Design (TOD) (please see Glossary of terms)

By 2012 the City shall provide create a list of the type of incentives and as well as create design guidelines for TODs within the City.

d. **Transportation Policies 4.1 and 4.2** – The policies cite inconsistent level of service standards, are ambiguous, are not subject to a deadline to measure their completion, and are not associated with guidelines and standards (b and d).

Policy 4.1: Meeting Transit Level of Service

The City shall maintain consistency with the transit level of service standard of Miami-Dade County Comprehensive Plan by meeting their level of service standard for transit by . Within this planning period the City will continue to perform studies which examine examining the use of Bus Rapid Transit, street cars, preemptive traffic signals and any other technologies appropriate for Miami Beach. The City will continue to follow the guidelines and standards as outlined in recent planning studies such as the Coastal Communities Transportation Management Plan and the Coastal Communities Transit Study.

Policy 4.2: Minimum Peak Hour Service Standard

The City shall coordinate with Miami-Dade Transit by 2012 so that the minimum peak hour mass transit level of service standards provided within the City shall be done with public transit service having no greater than 30 minute headways and an average route spacing of ¼ mile provided that:

1. The average combined population and employment density along the corridor between the existing transit network and the area of expansion exceeds 4,000 people per square mile, and the service corridor is 1/2 mile on either side of any necessary new routes or route extensions to the area of expansion;
2. It is estimated that there is sufficient demand to warrant the service; and
3. The service is economically feasible.

e. **Transportation Policy 4.6** – The term “where appropriate” should be clarified with specific spacing standards or other measures to clarify when transit infrastructure is required (b).

Policy 4.6: Providing Basic Transit Infrastructure

Development approval for sites located on main thoroughfares within existing transit routes shall be required where appropriate, to construct a concrete pad and dedicate an easement to Miami Beach or Miami-Dade Transit (or its successor agencies) for public transit uses. The dedicated easement shall be of sufficient size to allow for American with Disabilities Act (ADA) access to transit and for future shelter placement. Fair share contributions in lieu of easement dedication may be granted when an existing bus shelter or pad is located within ¼ mile from the proposed

development on the same side of the roadway. Appropriate bus stop facility locations shall be determined by analyzing the existing need on established routes; assessing the existing built environment (such as the width of the sidewalk, the presence of a sidewalk and/or the location of any existing structures). Bus routes with the highest ridership and located on an existing bike routes will be the highest priority for facility placement.

f. **Transportation Policy 5.4** – The policy notes that the further development of thoroughfares shall consider “whenever possible” the provision of bicycle lanes (b)

Policy 5.4: Bicycle Facilities

The further development of thoroughfares shall consider, whenever possible, the creation, extension and improvement of bicycle lanes, paths, boulevards, and other bicycle facilities as an effort to develop “complete streets.” The City will continue to follow the guidelines and standards as outlined in recent planning studies such as the Coastal Communities Transportation Management Plan

g. **Transportation Objective 6 and Policies 6.1, 6.2 and 6.11** – The objective and policies “support”, “promote,” and “encourage” a bulleted lists of Transportation System Management and Transportation Demand Management initiatives but fail to identify how and when they will be implemented locally (a).

OBJECTIVE 6: MULTI-MODAL TRANSPORTATION

The City shall continue to support and promote multiple modes of transportation by considering Transportation Demand Management (TDM), Transportation Systems Management (TSM) , and other techniques.

Policy 6.1: Transportation Systems Management (please see Glossary of terms)

Through the site plan review process, the City shall educate the development community and encourage appropriate TSM strategies to improve the mobility systems efficiency, effectiveness and safety. These may include but are not limited to:

- Traffic management and traffic monitoring programs
- Incident management
- Congestion management
- Access management
- Parking policies which discourage single-occupancy vehicles
- The encouragement of carpools, vanpools or ridesharing
- Programs or projects that improve traffic flow, including projects to improve signalization
- On road bicycle lanes, bicycle parking, and bicycle amenities at commercial and residential uses
- Improve intersections, and implement Intelligent Transportation Systems (ITS) strategies, including Pedestrian oriented intersection design strategies
- Pedestrian countdown signals

Policy 6.2: Transportation Demand Management (please see Glossary of terms)

Through the site plan review process, the City shall plan for, educate the development community and encourage appropriate TDM strategies to improve the mobility systems efficiency, effectiveness and safety. These may include but are not limited to efforts to reduce the dependence on single-occupant vehicle trips, and the encouragement of the use of bicycle, pedestrian and transit modes as a means of commuting and recreational mobility. These may include, but are not limited to:

- carpools,
- van pools,
- demand response service,
- paratransit services (for special needs population),
- public/private provision of transit service,
- bike sharing, or shared car initiatives,
- provision of short term and long term bicycle parking, showers and changing facilities
- provision of parking for carpools
- alternative hours of travel, including flexible work hours, staggered work shifts, compressed work weeks and telecommuting options,
- subsidy of transit fares,
- used of long term parking to be developed at City's entry points,
- shared vehicular and pedestrian access for compatible land uses, where possible,
- shared parking agreements for compatible land uses, where possible,
- provision of transit amenities,
- car share vehicle parking.

Policy 6.11: Multimodal Strategies

Through the site plan review process, the City shall educate the development community and promote TSM and/or TDM strategies and incentives to use alternate modes of transportation (such as parking policies and provision of intermodal transfers), that will accomplish mobility within and through each transportation concurrency management area.

h. Transportation Policy 6.5 – The policy indicates that the City will prepare an analysis that determines the baseline mode split, which will be the basis of a target mode split. The policy fails to establish a deadline by which the analysis will be completed (d).

Policy 6.5: Mode Split Analysis

By 2015 the City shall undertake an analysis that determines the baseline mode split, then set a target mode split to be achieved in a certain period of time.

i. Transportation Policy 6.7 – The policy indicates that the City will “examine” placing a higher priority on alternative mode projects. The policy lacks a specific deadline by which the contemplated review will be complete (d)

Policy 6.7: Prioritizing Multimodal Improvements

As a method of achieving a balance between an efficient and effective level of service and an adequate mode split, by 2015, the City shall examine placing a higher priority on the

development and implementation of alternative mode projects, than it would on physical capacity projects. A method of doing so may be to spend an increased percentage of City transportation funds, taken from all sources, on transit or alternative mode projects in lieu of physical capacity projects.

- j. **Transportation Policy 6.8** – The word “appropriate is undefined, and the word “may: is permissive (a and b)

Policy 6.8: Multimodalism as a Condition of Development Approval

Appropriate improvements or enhancements to the City's multimodal network may be required as a condition of development approval.

As part of the plan review and approval process, the City shall negotiate with applicants for appropriate improvement and enhancements on the private property, such as, but not limited to, dedications or easements for transit bus stops as part of the City's multimodal network.

- k. **Transportation Policy 6.12** – The policy “promotes” alternate transportation modes and also references various master plans that include specific projects (a)

Policy 6.12: Multimodal Options

The City shall promote alternate transportation modes and implement the transit, pedestrian, bicycle and other modes of transportation pursuant to F.A.C. 9J-5 in Transportation Concurrency Management Areas as follows:

- a. Continue implementing the projects in the “Bike Master Plan” in the Capital Improvement Program (CIP) prioritizing those projects where there are gaps on the bicycle and pedestrian network. *Current priority CIP funded projects include the Beach Walk Phase II, and Middle Beach Recreation Corridor – Phase I Pedestrian Bike Path.*
- b. Continue supplementing the MMP Project Bank with projects from “Coastal Communities Transit Master Plan” These, upon approval, would be added to the CIP.
- c. Continue coordination with Miami-Dade Transit to implement the Middle and North Beach Circulators. *Current priority CIP funded projects include the North Beach Intermodal Center.*
- d. Continue improving multimodal infrastructure including pedestrian and bicycle pathways, secure bicycle parking, transit shelters, and transit amenities including bike racks on buses. Through the land development code *and site plan review process*, the City will continue providing amenities and incentives to alternate modes of transportation. *Current priority CIP funded projects include the installation of crosswalks, curb ramp installation/maintenance and pedestrian countdown signals in various locations throughout Miami Beach.*
- e. Implementing projects that accommodate all users of the transportation system, including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, freight providers, emergency responders, and adjacent land users.

I. Transportation Policy 9.8 – The term “major” is undefined (b)

Policy 9.8: Provision of Multimodal Amenities

Within the City's TCMA's, the City shall require all new major developments, (those projects over 50,000 gross square feet, and/or projects that increase the number of trips over 100 peak hour trips), to submit a Transportation Mitigation Plan which will include strategies to mitigate the traffic generated by the site, and will encourage the use of alternative modes of transportation. The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of all new major developments so that the most vulnerable – children, elderly, and persons with disabilities – can travel safely within the public right of way. Applicable treatments may include, but not be limited to TDM strategies included in Policy 6.2 and TSM policies included in Policy 6.1.

m. Housing Policies 1.3, 2.2 and 5.6 – The policy indicates that the City will “support” affordable housing developers’ efforts to leverage specified funding sources (a and b)

Policy 1.3

~~Cooperate with the Metro-Dade County in making available county Surtax funds and other financial incentives for the provision of housing affordable to low and moderate income households in Miami Beach.~~

Support ~~Cooperate with~~ affordable housing developers’ efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the provision of housing affordable to very low to moderate- income households, including those with special needs, in Miami Beach.

Policy 2.2

Support ~~Cooperate with~~ housing developers’ efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the construction and/or rehabilitation of residential housing affordable to very low to moderate-income households in Miami Beach.

Policy 5.6

Support ~~Cooperate with~~ housing developers’ efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the rehabilitation of residential housing affordable to very low to moderate-income households in Miami Beach.

n. Housing Policy 1.6 – The policy indicates that the City will “continue to streamline” the housing approval and permitting process (b and d)

Policy 1.6

The Planning Department, which includes zoning review, will continue to streamline the housing approval and permitting process in coordination with the Building Department ~~through as set forth in the City's LHAP. the expedited processing of permits for affordable housing projects.~~ This incentive gives priority to designated affordable housing projects when scheduling Pre-

Design Conferences with all relevant agencies. Also, when the plans are ready for permitting, first priority is given to them.

- o. **Housing Policy 3.1** – The policy states that the City will “mitigate” zoning regulations that “impede” housing affordable to very low to moderate-income families (b).

Policy 3.1

The City shall mitigate zoning regulations such as reduced parking requirements or shared parking in the case of a mixed use building that impede housing affordable to very low to moderate-income families in all zoning districts which permit multifamily housing, including multifamily residential, commercial and overlay districts and retain the new multifamily districts, e.g. TH Townhome residential and RO Residential Office.

Objection 6 (Population Projections) – The population projections provided at page 1 of the Land Use Element's data and analysis and page 2 of the Transportation Element's data and analysis are inconsistent. The former projects the City's 2025 population at 97,705 persons while the latter projects 2025 population at 102,316 persons. Also the historical population figures in Tables 1 and 2 of the Land Use Element's data and analysis provide different population figures for 2004.

Recommendation: The City should provide a consistent historical and projected population trend and apply it consistently throughout the elements. The projections are to be based on professionally accepted and applied methodologies.

2008 Projections

Between the 1990 and 2000 U.S. Census, the permanent population of the City of Miami Beach decreased from 92,639 to 87,933 (5.3% decrease). Estimates and projections show growth will occur slowly in the City; however these projections are based on prevailing trends.

Current population projections from both Miami-Dade County and Miami Beach staff estimate that our population will grow to approximately 97,700 by 2025, or about a 6.5% increase. However, Shimberg Center for Affordable Housing projections shows the 2025 Miami Beach population to be only 88,521.

According to the 2008 Population estimates by the U.S. Census Bureau, the total population for the City of Miami Beach is 84,633. The table below shows the comparison from the 2000 Census (actual) to the estimates to date, which indicates a slight growth in years 2001, 2002, and 2003; but a decline in population starting in the year 2004 to present, based on the actual 2000 census:

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
COMPREHENSIVE PLAN AMENDMENT 10-1ER**

Table 1: Population projections, 2000 - 2008¹

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Population	87,933	88,880	88,768	88,798	88,056	87,142	85,935	85,036	84,633

Table 2: Population Changes and Projections, 1990-2025

	1990	2000	2004	2010	2015	2020	2025
Population	92,639	87,933	91,540	93,932	95,790	96,006	97,705

Table 2 above is being replaced with the one below.

Table 2
Population Estimates and Projections
Minor Statistical Area 1.3 and City of Miami Beach, 2000 to 2030

Year	Minor Statistical Area 1.3	City of Miami Beach	City as Percent of Area 1.3
1990	110,126	92,639	84%
2000	108,526	87,933	81%
2006	118,734	93,533	79%
2010	121,101	96,354	80%
2015	123,553	98,679	80%
2020	126,030	100,811	80%
2025	129,263	102,316	79%
2030	131,261	103,515	79%
Average Annual change			
1990-2000	(1,600)	(4,706)	294%
2000-2006	10,208	5,600	55%
2006-2010	2,367	2,821	119%
2010-2015	2,452	2,325	95%
2015-2020	2,477	2,132	86%
2020-2025	3,233	1,505	47%
2025-2030	1,998	1,199	60%

Source: U.S. Census for 1990 and 2000 data. Miami-Dade Planning & Zoning Dept. for Minor Statistical Area data for 2006-2030. University of Florida, Shimbarg Center for Miami Beach data for 2006-2030.

Note: Minor Statistical Area 1.3 includes the City of Miami Beach and five smaller municipalities: Bal Harbour, Bay Harbor Islands, Indian Creek, North Bay Village, and Surfside with a combined 2007 population of 19,776 according to BEBR.

¹ 2000, U.S. Census Bureau; 2001-2008, American FactFinder, U.S. Census Bureau, 2008 Population Estimates.

Objection 7 (Future Transportation Map Series) – While several maps related to the future transportation map series are included in the data and analysis, the City has not adopted any maps from the future transportation map series, consistent with Rule 9J-5.005(1)(e), (2)(a), 9J-5.019(5), FAC

Recommendation: The Future Transportation Map Series (including the date per the long-range planning period the maps represent) should be adopted as part of the Comprehensive Plan along with the other future conditions maps.

Maps INCLUDED:

Figure 1 – Existing Roadway system

Figure 3 – Federal Functional Classification

Figure 4 – Existing Roadway Lane Count

Figure 10 – Existing Evacuation routes

Figure 17 – Existing Bicycle Facilities

Figure 6 – 2015 Peak Hour Level of Service (one-way)

Figure 7 – 2015 Peak Hour Level of Service (Two-way)

Figure 8 – 2015 Daily Level of Service (Two-way)

Figure 8 – 2030 Level of Service (one-way)

Figure 9 – 2030 Level of Service (two-way)

Figure 10 – 2030 Daily Level of Service (two-way)

Objection 8 (Energy Economic Zone) – The following objections pertain to the Energy Economic zone (EEZ):

a. **EEZ Designation** – In 2009, the City submitted an application for designation as an EEZ Pilot Community, along with an implementing Strategic Plan that identified the EEZ as the City of Miami Beach municipal boundaries. The City's submittal and Strategic Plan indicated that required changes to the Comprehensive Plan to implement the EEZ designation would be processed as part of the EAR-based amendments. However, the amendment does not recognize or reference the City as a designated EEZ. Therefore, in the absence of any EEZ map in the FLUM series, and data and analysis regarding the EEZ designation, the proposed amendment is inconsistent with the City's application and Strategic Plan.

b. **Consistency with the EEZ Strategic Plan** – The City's proposed amendment is inconsistent with the EEZ Strategic Plan for the following reasons:

- **Transportation Element** – amendments to the Transportation Element were proposed which support a number of the program goals of the EEZ. However, the proposed amendment does not include policy guidance regarding the progressive alternative multi-modal program underway in the City. Included within the City's Pilot Program application and Strategic Plan is a discussion of the City's bike-share, car-share and electrical vehicle program initiatives. Transit and multi-modal related policies do not integrate these programs, which result in the reduction of greenhouse gas emissions consistent with the goals of the EEZ Pilot Program. Therefore, the amendment is inconsistent with the City's application submittal and Strategic Plan and City's related goals within the EEZ. Furthermore, identified in objection 5, several

of the proposed amendments to the Transportation Element do not provide for meaningful and consistent standards. Some the initiatives mentioned in the EEZ application are listed in the Transportation Policy 3.4. Furthermore most of the policies in the TE provide guidance for multi-modalism and encourage the use of alternate modes of transportation in an effort to reduce greenhouse gas emissions consistent with the goals of the EEZ.

- HB 697 – As detailed in Objection 2, the proposed amendment does not include meaningful and predictable policies implementing the requirement of HB 697 relative to developing energy-efficient land use patterns and greenhouse gas reduction strategies.

Recommendation:

a. Revise the amendment to identify the City as an Energy Economic Zone in the FLUM Series and in the FLUE consistent with the City's application, the strategic Plan (Draft version of the City's Sustainability Plan) and the subsequent designation. The current Sustainability Plan should be included in the Data and Analysis in support of the adopted amendment.

Note: The FLUM has been modified to note that the entire City is an Energy Economic Zone. In addition, the following policy is being proposed for the Land Use Element.

OBJECTIVE 12: ECONOMIC ENERGY ZONE

As a goal of the City to adopt policies and programs that implement in Miami Beach actions that strive to protect the environment, the City designated the entire municipality to participate in the "Energy Economic Zone Pilot Program Communities" Codified in Chapter 2009-89, Laws of Florida, Section 7.

Policy 12.1

The Miami Beach Sustainability Plan shall be the guiding document (Strategic Plan) that provides structure and focus to policies and initiatives in order to successfully enhance community sustainability.

b. Revise the amendment to require that development demonstrate a commitment to the related goals of the program consistent with the City's application, the strategic Plan. Include amendments to the Transportation Element to identify the multi-modal linkages that exist to serve the EEZ, or which are targeted for the creation within the EEZ. Revise the amendment to require that housing and development, transportation networks and multi-modal facilities demonstrate a commitment to the related goals of the EEZ program, efficient land use patterns and greenhouse gas reduction strategies

Note: Most of the Transportation Element and Housing Element policies demonstrate a commitment to the related goals of the EEZ program, specifically Transportation Policy 3.4, 5.4, 6.2, 6.12; Housing Policies 8.2, 8.3, 1.6, 3.1; and LUE Policy 3.1 as well as others.



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

November 19, 2010

The Honorable Matti Herrera Bower
Mayor, City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Dear Mayor Bower:

The Department of Community Affairs completed its review of the City of Miami Beach proposed Comprehensive Plan Amendment (DCA No. 10-1ER), which was received on September 17, 2010. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review, and their comments are enclosed. The Department reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes, and prepared the attached Objections, Recommendations, and Comments Report which outlines our findings concerning the comprehensive plan amendment. The Department identified eight objections and eleven comments related to the amendment.

My staff and I are available to assist the City in addressing the issues identified in our report. If you have any questions, please contact Bill Pable, AICP, at (850) 922-1781.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/bp

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Jorge M. Gonzalez, City Manager, City of Miami Beach
Richard Lorber, Acting Planning and Zoning Director, City of Miami Beach
Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

DEPARTMENT OF COMMUNITY AFFAIRS

OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

FOR

City of Miami Beach

Amendment 10-1ER

November 19, 2010

Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Miami Beach proposed Comprehensive Plan pursuant to Section 163.3184, F.S.

Objections relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The City should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis, items which the City considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form a basis for determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies, other agencies, organizations and individuals. These comments are advisory to the Department and may not form a basis for Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the City has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F.S., and Rule 9J-11.011, F.A.C. The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendments;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.** In the event there are no citizens requesting this information, please inform us of this as well. For efficiency, we encourage that the information sheet be provided in electronic format.

OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
COMPREHENSIVE PLAN AMENDMENT 10-1ER
City of Miami Beach

I. Consistency with Rule 9J-5, F.A.C., and Chapter 163, F.S.

This Objections, Recommendations, and Comments (ORC) Report pertains to the City of Miami Beach Evaluation and Appraisal Report (EAR) based amendments (10-1ER).

A. The Department identifies the following objections and recommendations to the proposed amendment.

1. **Objection 1 (Future Land Use Element and Map)** – The FLUM in Appendix A of the EAR based amendments does not identify the long term planning period that it represents.

Authority: Sections 163.3177(5)(a) and (6)(a), F.S.; and Rule 9J-5.005(4), F.A.C.

Recommendation: The City should add the date of the long term planning horizon to its FLUM.

2. **Objection 2 (Greenhouse Gases)** – The City proposes Transportation Policy 3.4, Housing Objective 8, and Housing Policies 8.1 to 8.6 as objectives and policies pertaining to green house gas emissions. Of the 8 referenced objectives and policies, 7 utilize permissive words such as “encourage”, “promote”, “collaborate”, or “to the extent funds allow”. The following objections pertain to greenhouse gases:

- a. **Lack of Specific, Measurable End Result** – The objectives listed above do not include the specific, measurable, intermediate end result to be achieved for energy efficiency and the policies listed above do not include meaningful and predictable standards for achieving the objectives. Regarding Transportation Policy 3.4, it is not clear what the policy means, what a “commercial roadway project” is, and how this policy will be implemented.
- b. **Energy Economic Zone (EEZ) Pilot Program** – The proposed policies do not fulfill the City’s responsibility as an EEZ Pilot Program community to do the following: a.) Develop a model to help communities cultivate green economic development; b.) Encourage renewable electric energy generation; c.) Manufacture products that contribute to energy conservation and green jobs; and d.) Further implement Chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies.

Authority: Sections 163.3177(6)(a), (c), (d), (f), and (9), and 377.809, F.S.; and Rules 9J-5.003(82), (90), 9J-5.005(6), F.A.C.

Recommendation: The recommendation is summarized by each component of the objection, as follows:

- a. **Lack of Specific, Measurable End Result** – The City should revise the objectives to include the specific, measurable outcome the City intends to achieve. Revise the policies to include meaningful and predictable guidelines and standards that will be applied to

development to achieve the objectives. The policies should identify the guidelines and standards the City can apply right away and include specific actions for implementing additional energy conservation measures that will take longer to implement.

- b. EEZ Pilot Program – The City should incorporate all activities as outlined in the City’s application and Sustainability Plan which are intended to reduce greenhouse gas emissions and vehicle miles traveled.
- 3. **Objection 3 (Capital Facilities)** – Land Use Policy 6.2 does not list all concurrency related facilities, such as water supplies and schools. Also, the policy is not consistent with the varied concurrency timing requirements by type of infrastructure established by Section 163.3180(2)(a-c), F.S.

Authority: Section 163.3180(2)(a-c), F.S.; and Rule 9J-5.0055(3), F.A.C.

Recommendation: The City should amend Land Use Policy 6.2 so that it lists all concurrency related facilities and reflects the appropriate concurrency timing requirements established by the cited Statute and Rule.

- 4. **Objection 4 (Coastal Management)** – The following objections pertain to coastal management:

- a. Definition of Coastal High Hazard Area (CHHA) – Conservation Policy 4.10 is based on an incorrect definition of the CHHA. It states that “As the entire City is classified as a Coastal High Hazard Area (CHHA) which is reflective of its status as a Category 1 Evacuation Zone...” The Category 1 evacuation zone is no longer the correct definition of the CHHA, and the entire City may not be within the CHHA under the new definition.
- b. Depiction of CHHA on FLUM – The CHHA is not depicted on the FLUM.

Authority: Sections 163.3177(6)(a) and 163.3178(2)(h), (9)(c), F.S.; and Rule 9J-5.012(2)(e)3, F.A.C.

Recommendation: The City should depict the CHHA on its FLUM and amend Conservation Policy 4.10 based on the definition of the CHHA pursuant to Section 163.3178(9)(c), F.S. The CHHA definition is located in Section 163.3178(2)(h), F.S.

- 5. **Objection 5 (Meaningful and Predictable Standards)** – The proposed revisions to the goals, objectives, and policies (GOPs) result in a lack of meaningful and predictable standards for the following reasons: a.) Use of mandatory versus permissive text; b.) Use of undefined or ambiguous terms; c.) Defers to the Land Development Regulations (LDRs); and d.) Lack of dates which establish deadlines. The specific GOP citations that are not meaningful and predictable are listed below. The reason for the lack of meaningful and predictable standards (“a” through “d” above) is referenced parenthetically after each citation.
- a. Land Use Policy 3.1 – The policy indicates that mixed uses shall be “encouraged”. Furthermore, the policy indicates that “LDR incentives” will be provided to support mixed uses, but it fails to define what those incentives will be. (a and c)

- b. Transportation Policy 1.5 – The policy states that the City will undertake an examination of total mobility in an attempt to shift from roadway capacity and level of service to an overall mobility system capacity and level of service. (d)
- c. Transportation Policy 2.3 – The policy states that the City shall provide incentives and design guidelines for Transit Oriented Developments within the City. The policy defers all detail regarding the nature of the incentives to the LDRs. (c and d)
- d. Transportation Policies 4.1 and 4.2 – The policies cite inconsistent level of service standards, are ambiguous, are not subject to a deadline to measure their completion, and are not associated with guidelines and standards. (b and d)
- e. Transportation Policy 4.6 – The term “where appropriate” should be clarified with specific spacing standards or other measures to clarify when transit infrastructure is required. (b)
- f. Transportation Policy 5.4 – The policy notes that the further development of thoroughfares shall consider “whenever possible” the provision of bicycle lanes. (b)
- g. Transportation Objective 6, and Policies 6.1, 6.2, and 6.11 – The objective and policies “support”, “promote”, and “encourage” a bulleted lists of Transportation System Management and Transportation Demand Management initiatives but fail to identify how and when they will be implemented locally. (a)
- h. Transportation Policy 6.5 – The policy indicates that the City will prepare an analysis that determines the baseline mode split, which will be the basis of a target mode split. The policy fails to establish a deadline by which the analysis will be completed. (d)
- i. Transportation Policy 6.7 – The policy indicates that the City will “examine” placing a higher priority on alternative mode projects. The policy lacks a specific deadline by which the contemplated review will be complete. (d)
- j. Transportation Policy 6.8 – The word “appropriate” is undefined, and the word “may” is permissive. (a and b)
- k. Transportation Policy 6.12 – The policy “promotes” alternate transportation modes and also references various master plans that include specific projects. (a)
- l. Transportation Policy 9.8 – The term “major” is undefined. (b)
- m. Housing Policies 1.3, 2.2, and 5.6 – The policy indicates that the City will “support” affordable housing developers’ efforts to leverage specified funding sources. (a and b)
- n. Housing Policy 1.6 – The policy indicates that the City will “continue to streamline” the housing approval and permitting process. (b and d)
- o. Housing Policy 3.1 – The policy states that the City will “mitigate” zoning regulations that “impede” housing affordable to very low to moderate-income families. (b)

Authority: Section 163.3177(6)(a) and (9)(e), (f) and (g), F.S.; and Rules 9J-5.003(82) and (90); and 9J-5.005(6), F.A.C.

Recommendation:

- a. Use of Mandatory versus Permissive Text – The objective and policies should be revised to include the guidelines and standards the City will use to achieve the policy’s stated purpose. Regarding Transportation Policy 6.12, it should be amended to identify the projects for which the City is financially responsible. The policy should be supported by an updated five-year schedule in the Capital Improvements Element that lists those projects.
- b. Use of Undefined or Ambiguous Terms – The policies should be amended to include guidelines and standards which indicate how the City will achieve the policy’s stated

- purpose. Transportation Policies 4.1 and 4.2 cite inconsistent level of service standards. The inconsistency must be resolved.
- c. **Defers to the LDRs** – The policies should be amended to add measurable and predictable standards to guide development instead of deferring such details to the LDRs.
 - d. **Lack of Dates Which Establish Deadlines** – The policies should be revised to include the measurable and predictable standards to guide development and provide the basis for the LDRs. For those policies with extended timelines, the City should include interim measures that can be applied to development until the cited information becomes available and the policies are updated.
6. **Objection 6 (Population Projections)** – The population projections provided at page 1 of the Land Use Element's data and analysis and page 2 of the Transportation Element's data and analysis are inconsistent. The former projects the City's 2025 population at 97,705 persons, while the later projects 2025 population at 102,316 persons. Also, the historical population figures in Tables 1 and 2 of the Land Use Element's data and analysis provide different population figures for 2004.

Authority: Sections 163.3177(2), (6)(a), F.S.; and Rules 9J-5.003(107), (116), 9J-5.005(2), (5)(a), F.A.C.

Recommendation: The City should provide a consistent historical and projected population trend and apply it consistently throughout the elements. The projections are to be based on professionally accepted and applied methodologies.

7. **Objection 7 (Future Transportation Map Series)** – While several maps related to the future transportation map series are included in the data and analysis, the City has not adopted any maps from the future transportation map series, consistent with Rule 9J-5.019(5), F.A.C.

Authority: Section 163.3177(1), (6)(a), (j), F.S.; and Rule 9J-5.005(1)(e), (2)(a), (4), 9J-5.019(5), F.A.C.

Recommendation: The Future Transportation Map series (including the date per the long-range planning period the maps represent) should be adopted as part of the Comprehensive Plan along with the other future conditions maps.

8. **Objection 8 (Energy Economic Zone)** – The following objections pertain to the Energy Economic Zone (EEZ):
- a. **EEZ Designation** – In 2009, the City submitted an application for designation as an EEZ Pilot Community, along with an implementing Strategic Plan, that identified the EEZ as the City of Miami Beach municipal boundaries. The City's submittal and Strategic Plan indicated that required changes to the Comprehensive Plan to implement the EEZ designation would be processed as a part of the EAR-based amendments. However, the amendment does not recognize or reference the City as a designated EEZ. Therefore, in the absence of any EEZ map in the FLUM series, and data and analysis regarding the EEZ designation, the proposed amendment is inconsistent with the City's application and Strategic Plan.
 - b. **Consistency with the EEZ Strategic Plan** – The City's proposed amendment is inconsistent with the EEZ Strategic Plan for the following reasons:

- Transportation Element – Amendments to the Transportation Element were proposed which support a number of the program goals of the EEZ. However, the proposed amendment does not include policy guidance regarding the progressive alternative multi-modal program underway by the City. Included within the City's Pilot Program application and Strategic Plan is a discussion of the City's bike-share, car-share and electrical vehicle program initiatives. Transit and multi-modal related policies do not integrate these programs, which result in the reduction of greenhouse gas emissions consistent with the goals of the EEZ Pilot Program. Therefore, the Amendment is inconsistent with the City's application submittal and Strategic Plan and the City's related goals within the EEZ. Furthermore, as identified in Objection 5, several of the proposed amendments to the Transportation Element do not provide for meaningful and consistent standards.
- HB 697 – As detailed in Objection 2, the proposed amendment does not include meaningful and predictable policies implementing the requirements of HB 697 relative to developing energy-efficient land use patterns and greenhouse gas reduction strategies.

Authority:

- a. Sections 163.3177(6)(a), (b), (j), (8) and (10)(e), and 377.809, F.S.; and Rules 9J-5.005(2)(a) and (5)(b) and 9J-5.006(1)(e), 9J-5.019(4)(b)1, 2, 4, (c)3, 5, 6, 9, 10, 12, F.A.C.
- b. Sections 163.3177(6)(a), (b), (d), and (j), (8), (9)(e) and (f) and (10)(e), and 377.809, F.S.; and Rules 9J-5.005(2)(a), and 9J-5.019(4)(b)1, 2, and 4, F.A.C.

Recommendation:

- a. Revise the Amendment to identify the City as an Energy Economic Zone in the FLUM Series and in the FLUE consistent with the City's application, the Strategic Plan (Draft Version of the City's Sustainability Plan) and the subsequent designation. The current Sustainability Plan should be included in the data and analysis in support of the adopted amendment.
- b. Revise the amendment to require that development demonstrate a commitment to the related goals of the program, consistent with the City's application submittal and Strategic Plan. Include amendments to the Transportation Element to identify the multi-modal linkages that exist to serve the EEZ, or which are targeted for creation within the EEZ. Revise the amendment to require that housing and development, transportation networks, and multi-modal facilities demonstrate a commitment to the related goals of the EEZ program, efficient land use patterns, and greenhouse gas reduction strategies.

B. The Department identifies the following comments related to the proposed amendment.

1. Comment #1 (Capital Improvements Element) – The comments listed below pertain to the required annual update of the Capital Improvements Element (CIE), which is not part of the EAR-based amendments but will be due in December.
 - a. 5-Year Schedule – The City is reminded that the 5-year schedule of capital improvements should be updated based on a base year of FY 2010-11 through FY 2014-15.

- b. School Board's District Facilities Work Plan – The CIE does not include a policy adopting the School Board's current District Facilities Work Plan by reference. Also, the City did not indicate in its transmittal letter that it is relying on the School Board's most recent data and analysis.
 - c. Transportation Policy 3.2 – While the data and analysis for the Transportation Element references a variety of capital projects, an updated five-year schedule of capital improvements has not been adopted in the Capital Improvements Element.
 - d. Transportation Policies 4.8, 6.13, and 6.14 – The FY 2010-11 through FY 2014-15 update of the City's five-year schedule of capital improvements should include the specific projects from the Coastal Communities Transit Plan, the Coastal Communities Transportation Master Plan, and the Municipal Mobility Plan for which the City is responsible. The noted plans are cited in Transportation Policies 4.8, 6.13, and 6.14, and must therefore be referenced by title, author, and date.
2. Comment #2 (Housing Policy 3.5) – The policy refers to “very to moderate-income families”. It appears that the text should read “very low to moderate-income families”.
 3. Comment #3 (Housing Objective 6) – The last word should be changed to “uninhabitable”.
 4. Comment #4 (Infrastructure Policies 8.1 and 8.2) – The two policies are shown together in a single paragraph and should be separated by a blank space.
 5. Comment #5 (Conservation Objective 8) – The objective refers to policies in “the Capital Improvement Schedule”. The reference should be to the “Capital Improvements Element”.
 6. Comment #6 (Intergovernmental Coordination Policy 1.7) – The reference to “Department of Natural Resources” should be changed to “Department of Environmental Protection”.
 7. Comment #7 (Intergovernmental Coordination Objective 5) – The objective is an incomplete sentence and appears to have missing text.
 8. Comment #8 (Water Supply Facilities Work Plan) – The City's comprehensive plan must be updated to reflect both the adopted EAR amendments and the adopted Water Supply Facilities Work Plan (WSFWP) amendments when they are determined to be in compliance.
 9. Comment #9 (Transportation Policy 4.11) – The City should clarify if the intent of the policy includes fixed guideway transit alternatives previously studied by Miami-Dade Transit and the Metropolitan Planning Organization.
 10. Comment #10 (Conservation / Coastal Zone Management Policy 3.6) – The City is encouraged to add a phrase stating that proposed marinas must be found consistent with the Miami-Dade County Manatee Protection Plan.
 11. Comment #11 (Non-Point Stormwater Quality Goals) – The City should consider public education strategies for residents, tourists, and business owners.
 12. Comment #12 (Percentage Distribution among Mixed Uses) – The Low Intensity Commercial, Medium Intensity Commercial, and Mixed Use Entertainment FLUM designations allow a mix of uses. If these districts are intended to require a mix of uses, than a percentage distribution standard should be adopted.

II. Consistency with Chapter 187, F.S., State Comprehensive Plan

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S.:

- A. Section 187.201(4), Housing, Policy 3: Increase the supply of safe, affordable, and sanitary housing for low-income persons, moderate-income persons, and elderly persons. This policy applies to objection 5.
- B. Section 187.201(6), Public Safety, Policies 22 and 23: Prepare advance plans for the safe evacuation of coastal residents. Adopt plans and policies to protect public and private property and human lives from the effects of natural disasters. These policies apply to objection 4.
- C. Section 187.201(10), Air Quality, Policies 1, 2, 3, and 4: Improve air quality and maintain the improved level to safeguard human health and prevent damage to the natural environment. Ensure that developments and transportation systems are consistent with the maintenance of optimum air quality. Reduce sulfur dioxide and nitrogen oxide emissions and mitigate their effects on the natural and human environment. Encourage the use of alternative energy resources that do not degrade air quality. These policies apply to objections 2 and 8.
- D. Section 187.201(11), Energy, Policies 1, 2, 3, 4, 6, and 7: Continue to reduce per capita energy consumption. Encourage and provide incentives for consumer and producer energy conservation. Improve the efficiency of traffic flow on existing roads. Ensure energy efficiency in transportation design and planning and increase the availability of more efficient modes of transportation. Increase the efficient use of energy in design and operation of buildings, public utility systems, and other infrastructure and related equipment. Promote the development and application of solar energy technologies and passive solar design techniques. These policies apply to objections 2 and 8.
- E. Section 187.201(15), Land Use, Policies 1 and 3: Promote activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities. These policies apply to objections 1, 3, 5, 6, and 7.
- F. Section 187.201(17), Public Facilities, Policy 4: Create a partnership which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them. This policy applies to objection 3.
- G. Section 187.201(19), Transportation, Policies 8, 9, 10, and 15: Encourage the construction and utilization of a public transit system. Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions. Promote ride sharing by public and private sector employees. Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts. These policies apply to objection 5.
- H. Section 187.201(25), Plan Implementation, Policy 7: Ensure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region. This policy applies to all of the objections.

By addressing the concerns noted in Section I, this inconsistency with Chapter 187, Florida Statutes, can be addressed.



Carlos Alvarez, Mayor

Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

October 29, 2010

Mr. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

11 BD
RECEIVED
NOV - 8 2010
DIVISION OF
COMMUNITY PLANNING

Re: City of Miami Beach EAR-Based Amendments, DCA No. 10-1ER

Dear Mr. Eubanks:

The Department of Planning and Zoning has reviewed the proposed Evaluation and Appraisal Report (EAR-Based) amendments to the City of Miami Beach Comprehensive Plan. Our review is conducted to identify points of consistency or inconsistency with provisions of the Miami-Dade County Comprehensive Development Master Plan (CDMP). The Department finds that the proposed amendments are generally consistent with the CDMP and offers the following comments:

Transportation Element

1. Page TE-3 – Policy 1.5: Multi-modal Level of Service. The City is proposing to "...undertake an examination of total mobility in an attempt to shift from roadway capacity and level of service to an overall mobility system capacity and level of service." The City should indicate the timeframe in which this examination will occur.
2. Page TE-4 – Policy 2.3: Transit Oriented Design (TOD). This proposed new policy will require the City to "...provide incentives and design guidelines for TODs within the City." It is not clear whether the City intended to refer to "Transit Oriented Development" instead of "Transit Oriented Design." Transit Oriented Development is the standard planning terminology.
3. Page TE-6 – Policy 3.4: Sustainable Development. This proposed policy calls for the City to "...plan, design and construct roadway projects and provide approval for commercial roadway projects that minimize consumption of non-renewable resources, limit consumption of renewable resources to sustainable yield levels, reuse and recycle its components, and minimize the use of land and production of noise." It is not clear what this policy means, what a commercial roadway project is and how this policy will be implemented.
4. Page TE-11 – Policy 4.11: Cross-Bay Transit Alternative. This policy "...encourages MDT and the MPO to study the feasibility of connecting Miami Beach by transit to the Airport and Downtown Miami." Currently, Bus Route 120/Beach MAX connects Miami Beach with Downtown Miami, and Route 150/Airport Flyer connects Miami-Beach with Miami International Airport. Also, the MPO previously studied the feasibility (BAYLINK Study) of connecting Downtown Miami with Miami Beach with light and heavy rail

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technology, but the City previously opposed this project. The City should clarify if the intent of the policy includes fixed guideway transit alternatives that were previously studied by MDT and the MPO.

5. Page TE-27 – Policy 9.1: Calculating Remaining Capacity. This policy makes reference to the three transportation concurrency management areas (South Beach, Middle Beach and North Beach TCMAs) established in the City, and the measurement of roadway capacities on an area-wide basis. As such the area-wide capacity is calculated by averaging the service volumes of the major roadways at the adopted level of service standards. However, if the service volumes are based on FDOT's Generalized Tables or generated using ARTPLAN, the service volumes will change over time as the Generalized Tables are revised by FDOT on a regular basis and ARTPLAN uses input variables based on three types of characteristics: roadway, traffic and control (signalization), which can also change over time. This policy should indicate that the service volumes may be updated from time to time.

Conservation/Coastal Zone Management Element

1. Page C/CZM-7 and C/CZM-8. Policy 3.6 addresses standards that will be part of the Conditional Use review for proposed marinas executed by the City of Miami Beach's Planning Board. The City should consider adding a phrase stating that proposed marinas must be found in compliance with the Miami-Dade County Manatee Protection Plan. More information on manatee requirements may be found through the Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation.
2. Page C/CZM-11. Notwithstanding Objective 9 and its policies, it is unclear how Policy 5.2 would effectively "reduce the potential for future loss of life and property" as described in Objective 5. Infrastructure capacity expansion that will serve "projected population" and specific development projects, both which will increase population, does not appear consistent with the objective of further reducing loss of life and property.
3. Page C/CZM-12 – Policy 5.7, footnote 2. The City should not reference the Miami-Dade County CDMP as the CDMP is currently being revised. Current information regarding County evacuation planning may be available directly from the South Florida Regional Planning Council or the Miami-Dade County Department of Emergency Management.
4. Page C/CZM-14. State and federal agencies have concluded that public education is an important factor in successfully minimizing non-point stormwater quality goals. The City may want to consider public education strategies for residents, tourists and business owners.

Housing Element

1. Page HE-13 – Objective 6: Relocation. The objective reads: "Ensure that relocation services are provided to 100 percent of the persons who are displaced as a result of activities funded by federal programs or due to a property being declared inhabitable." The City may want to revise the word inhabitable to 'uninhabitable.'

Ray Eubanks, Administrator
Florida Department of Community Affairs
October 29, 2010
Page 3 of 3

If you have any questions, please do not hesitate to contact me or Mark R. Woerner, AICP,
Chief, Metropolitan Planning at 305-375-2835.

Sincerely,



Marc C. LaFerrier, AICP
Director *MRW*
MCLF:MRW:smd

Cc: Carolyn A. Dekle, South Florida Regional Planning Council
Mercy Lamazares, AICP, City of Miami Beach



"Card, Carlton"
<Carlton.Card@dot.state.fl.us>
>

11/01/2010 11:17 AM

To "DCPexternalagencycomments@dca.state.fl.us"
<DCPexternalagencycomments@dca.state.fl.us>,
"Bill.Pable@dca.state.fl.us" <Bill.Pable@dca.state.fl.us>

cc

bcc

Subject Miami Beach 10-1ER

In accordance with your request, and the provisions of Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code, this office has completed a review of the City of Miami Beach 10-1ER. There are no impacts anticipated to the State Highway System facilities resulting from this amendment. Therefore, the District has no specific objections or recommendations at this time. Please contact Carlton Card at 305-470-5875, if you have any questions concerning our response.

Carlton S. Card
Transportation Planner
Florida Department of Transportation District VI
1000 NW 111th Ave
Miami, FL 33172
(305) 470-5875



FLORIDA DEPARTMENT OF STATE

Dawn K. Roberts

Interim Secretary of State

DIVISION OF HISTORICAL RESOURCES

October 26, 2010

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Miami Beach 10-1ER Comprehensive Plan
Amendment (Miami-Dade County)

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Miami Beach Comprehensive Plan.

We reviewed Evaluation and Appraisal Report based text amendments to the Miami Beach Comprehensive Plan to consider the potential effects of these actions on historic resources. In the Future Land Use Element, there are no major modifications to Objective 4, which addresses historic and natural resource protection.

Objective 5 of the Housing Element, which addresses historically significant housing has been completely rewritten. Objective 8 has been deleted, and the pertinent information incorporated into Objective 5. The rewritten Housing Element contains policies which continue the identification of historic housing and its preservation, rehabilitation, and reuse, discourages demolition, encourages rehabilitation of residential structures, maintains the historic districts and designated sites to enable tax incentives, encourages retention of architecturally significant homes, provides historic preservation incentives in the land development regulations, etc.

In the Conservation/Coastal Zone Management Element, Objective 11 addresses historic uses. A change to Policy 11.1.d was made to reference Certificate of Appropriateness Criteria for applications for development approval.

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☐ Director's Office
850.245.6300 • FAX: 245.6436

☐ Archaeological Research
850.245.6444 • FAX: 245.6452

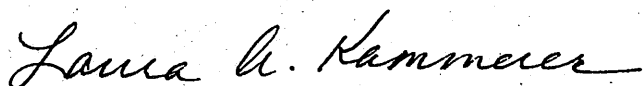
☒ Historic Preservation
850.245.6333 • FAX: 245.6437

Mr. Eubanks
October 26, 2010
Page 2

Lastly, the Historic Preservation Element has been rewritten. This optional element continues historic preservation policies such as the identification and designation of historic resources, funding historic preservation staff, pursuing heritage tourism, encouraging the public to identify historic sites and properties and nominating those suitable for historic recognition and local designation, developing a GIS database of historic resources, providing education opportunities to the community, promoting appropriate urban infill and streetscape improvements, expanding and developing preservation guidelines, etc.

The City of Miami Beach is to be commended on the thorough and well thought out preservation objectives and policies. If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at 850.245.6333.

Sincerely,



Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

pc: Mr. Bob Dennis



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 20, 2010

Mr. Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RECEIVED

OCT 22 2010

**DIVISION OF
COMMUNITY PLANNING**

Dear Mr. Eubanks:

**Subject: City of Miami Beach, DCA #10-1ER
Comments on Proposed Comprehensive Plan Amendment Package**

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Miami Beach (City). The proposed Evaluation and Appraisal Report-based (EAR) amendments update the text of the Comprehensive Plan as recommended in the City's adopted EAR. The City is to be commended for its thoroughness in updating the entire Comprehensive Plan and recommending changes to strengthen and update the stormwater and water supply policies in the City's Comprehensive Plan. There appear to be no significant water resource related impacts; therefore, we forward no comments on the proposed amendment package.

The District offers its technical assistance to the City, its water supplier, and the Department of Community Affairs in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. For assistance or additional information, please contact Terry Manning at (561) 682-6779 or tmanning@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Braun", with a long, sweeping horizontal line extending to the right.

Rod Braun
Director
Intergovernmental Policy and Planning Division

c: Bob Dennis, DCA
Rachel Kalin, SFRPC
Marc LaFerrier, Miami-Dade County
Richard Lorber, City of Miami Beach
Terry Manning, SFWMD
Maria Valdes, Miami-Dade County



MIAMI BEACH

PLANNING DEPARTMENT

HISTORIC PRESERVATION BOARD STAFF REPORT

FROM: Richard G. Lorber, AICP, LEED AP
Acting Planning Director

DATE: June 8, 2010 meeting

RE: Historic Preservation File No. 3435
310 Collins Avenue – Hebrew Home of South Beach

Modification to After-the-Fact C of A for Demolition

The applicant, South Beach Plaza, Inc., is requesting modifications to a previously issued After-The-Fact Certificate of Appropriateness for the complete demolition of the prior 2-story multifamily building on site. Specifically, the applicant is requesting to modify the condition of the final order regulating the future development on the site.

LEGAL DESCRIPTION:

Lot 7, Block 7, Ocean Beach Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida.

HISTORY/REQUEST:

On December 17, 2004, the City of Miami Beach Building Official issued an Emergency Demolition Order for the structure located at 310 Collins Avenue, which is located within the Ocean Beach Local Historic District. Pursuant to Section 118-503(b)(2) of the Land Development Regulations of the Miami Beach City Code, the property owner was required to file an application for an "after-the-fact" Certificate of Appropriateness for Demolition to the Historic Preservation Board within fifteen (15) days of the issuance of the Emergency Demolition Order.

On April 10, 2006, an 'After-the-Fact Certificate of Appropriateness for Demolition of the prior structure on site was approved by the Historic Preservation Board, subject to the following condition:

Any future development on the site shall either require the full replication of the demolished building to its 1937 state, to the greatest extent possible, or a new structure that embodies the scale, height, character and massing of the previous structure.

Since the demolition of the previous structure and the issuance of the 'after-the-fact' Certificate of Appropriateness, the applicant has illegally used the subject parcel as an unimproved parking area. Violations have been issued, which are currently pending before the Special Master.

The applicant is now seeking to amend the above noted condition, in order to allow for a surface parking lot on the site, in conjunction with a proposed plan that would combine the subject property with the vacant parcel to the immediate left at 302 Collins Avenue.

This same application to modify the after-the-fact Certificate of Appropriateness for the demolition of the prior 2-story building was denied by the Board on October 13, 2009.

On April 13, 2010, the application came before the Board and was continued to a date certain of May 11, 2010, at the request of the applicant.

On May 11, 2010, the application came before the Board, and was continued to a date certain of June 8, 2010, in order to address the concerns expressed by the Board.

PREVIOUS STRUCTURE:

Constructed in 1936 and 1937 and designed by architect George L. Pfeiffer, the subject structure was classified as 'Contributing' in the Miami Beach Historic Properties Database and was located within the Ocean Beach Local Historic District.

A building permit was issued in 1936 for a single story hotel, located at the rear portion of the site with a substantial frontyard on Collins Avenue. In 1937, permits were issued for a single story addition, and 2nd floor addition, also designed by George Pfeiffer, extending the building footprint toward Collins Avenue. The design of the original single story façade was expanded upon to create the new 2-story addition. The modest Art Deco structure was characterized by a symmetric front façade with a central entrance, vertically accentuated with fluted elements both above and flanking the entryway. A bas-relief panel was also located above the entrance and at the parapet level, further highlighting the main entrance. Additional vertical fluting framed the north and south ends of the front façade. The side elevations were relatively modest, composed of punched masonry openings with window sills. A later addition extended a portion of the front façade northward, creating an asymmetric appearance.

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA:

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of these criteria at the time the original after-the-fact request was submitted in 2006:

1. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The recently demolished structure was designated as part of the Ocean Beach Local Historic District; the building was designated as a "Contributing" structure in the historic district.

2. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Not Satisfied

- The recently demolished structure would not be difficult and inordinately expensive to reproduce.**
3. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.
Satisfied
The subject structure was one of the last remaining examples of its kind and was a modest example of an early Art-Deco hotel, which contributed to the character of the district.
4. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.
Satisfied
The subject structure was designated as a contributing building in the Miami Beach Historic Properties Database.
5. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.
Satisfied
The retention of the previously demolished structure was helpful in developing an understanding of an important Miami Beach architectural style.
6. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.
Not Applicable
No replacement design or use has been proposed for the site.
7. There are definite plans for reuse of the property if the proposed demolition is carried out, the effect of those plans on the character of the Historic District, whether there is a compelling public interest requiring the proposed demolition, and whether the Applicant is willing to bond the completion of the proposed new construction.
Not Satisfied
No replacement design or use has been proposed for the site.
8. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.
Not Satisfied
The Dade County Unsafe Structures Board did not order the demolition of the subject building, however, an Emergency Demolition Order was issued by the City of Miami Beach Building Official.

9. The Board determines that retention of the Building/Structure would deny the owner economically viable use of the property.

Not Satisfied

The applicant has not submitted a financial feasibility study to determine whether a new project would make the subject property financially viable.

STAFF ANALYSIS:

As indicated in previous reports, the original structure on the property was left vacant for many years, without adequate interior maintenance or structural repairs; as a result, the structure deteriorated from the inside out. By late 2004 a portion of the second floor plate had collapsed, the roof was sagging, and the building had developed many cracks. The City's Building Official at the time was left with no other choice but to issue an Emergency Demolition Order.

Since the demolition of the original structure, the applicant has been utilizing the subject property as a grade level parking lot, in complete contravention of the 2006 Order of the Board, as well as the City Code. To date the applicant has not presented any proposal for a replacement structure or use on the site, other than the parking lot proposed in a separate application.

As previously indicated, staff has very serious concerns with the proposal to amend the order granting an 'after-the-fact Certificate of Appropriateness. First, by allowing a grade level parking lot on the subject site, the board would be rewarding demolition-by-neglect. Secondly, and more importantly, the existing Hebrew Home to the north was able to function perfectly for a number of years without the parking currently being used. A grade level parking lot would be wholly contrary to the well established building context of Collins Avenue, as it would legitimize, for the distant future, a dead use on a property that previously contained a very significant historic structure.

Staff continues to believe that new architecture of its time, appropriately scaled and massed in a similar manner as the prior structure, is the best option for the subject site. Because there is still no proposal at this time, staff would strongly recommend that a grade level parking lot not be permitted and that the request to amend the Order be denied.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application for a revision to the previously issued "After-the-Fact" Certificate of Appropriateness for Demolition be **DENIED**.